

City Council Meeting Minutes

**November 15, 2016
City Hall, Council Chambers
749 Main Street
7:00 PM**

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

City Council: ***Mayor Robert Muckle, Mayor Pro Tem Jeff Lipton,
Councilmembers Jay Keany, Chris Leh, Susan Loo,
Dennis Maloney, and Ashley Stolzmann***

Staff Present: ***Malcolm Fleming, City Manager
Heather Balser, Deputy City Manager
Kevin Watson, Finance Director
Aaron DeJong, Director of Economic Development
Kurt Kowar, Director of Public Works
Kevin Watson, Director of Finance
Rob Zuccaro, Director of Planning & Building Safety
Dave Hayes, Police Chief
Kathleen Hix, Director of Human Resources
Lauren Trice, Associate Planner
Meredyth Muth, City Clerk***

Others Present: ***Sam Light, City Attorney***

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Councilmember Leh. All were in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

APPROVAL OF THE CONSENT AGENDA

Councilmember Stolzmann asked to move item C to the regular agenda. MOTION: Mayor Muckle moved to approve the consent agenda as amended, seconded by Councilmember Stolzmann. All were in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: November 1, 2016***
- C. *Approval of 2017 Street Faire License – moved to regular agenda***
- D. *Approval of Resolution No. 56, Series 2016 – A Resolution Approving an Amendment to the Final Planned Unit Development (PUD) Plan for Lots 2A & 3A, Block 4, Business Center at CTC to Construct a 6,267 SF Addition***
- E. *Approval of Resolution No.57, Series 20176 – A Resolution Amending the Final Planned Unit Development (PUD) for North End Block 15 to Modify the Elevations of the Proposed Building***
- F. *Approval of Resolution No.58, Series 2016 – A Resolution Amending the Final Plat for the Foundry Subdivision***
- G. *Approval of Resolution No. 59, Series 2016 – A Resolution Amending Section 2.c of Resolution No. 16, Series 2009, Defining Cause for Purposes of Section 10-2(B) of the Louisville Home Rule Charter***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Councilmember Leh stated the job of the Council is to put the values of the community into action and everyone tries to do this to the best of his or her ability. These are small town values put into action and the biggest of those is respect and the consideration given to someone else regardless of their place in society. He stated his concern for this basic small town value has grown over the course of the past year due to several incidents in Louisville including anti-Semitic graffiti, high schoolers joining a hate group via social media, and last week some students at Monarch High School harassed others based on skin color and national origin. These are very disturbing events involving kids and it is of great concern. It wasn't that long ago in Louisville's history that we had immigrants who were targeted and bullied.

Councilmember Leh stated he never thought this would be an issue in this town, but felt compelled to address it. The big question is "how am I going to treat people who are different than I am" and "how am I going to treat people when I disagree with them?" It is important we treat all people with respect, it is important that we model respect for others even those with whom we disagree. Kids need to know how to address this and how to intervene and protect people. These incidents are not who we are and he noted the reactions to these events have been very positive. We need to hold people accountable for hate crimes and hate speech and apply the laws based on the rule of

law. We must be vigilant to be the kind of town that models respect for the dignity of all people.

Mayor Muckle agreed with Councilmember Leh. He welcomed the Monarch High School students in attendance.

CITY MANAGER'S REPORT

City Manager Fleming thanked the voters in Louisville for the passage of the Recreation and Senior Center expansion bond and sales tax. Design work for the project will begin soon.

REGULAR BUSINESS

ADOPTION OF 2017 BUDGET

RESOLUTION NO. 60, SERIES 2016 – A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE CITY OF LOUISVILLE, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2017 AND ENDING ON THE LAST DAY OF DECEMBER 2017

RESOLUTION NO. 61, SERIES 2016 – ANNUAL APPROPRIATION RESOLUTION FOR THE CITY OF LOUISVILLE FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2017 AND ENDING DECEMBER 31, 2017

RESOLUTION NO. 62, SERIES 2016 – A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2016, TO HELP DEFRAID THE COSTS OF GOVERNMENT FOR THE CITY OF LOUISVILLE, COLORADO FOR THE 2017 BUDGET YEAR

City Attorney Light noted the first resolution summarizes expenditures and revenues for 2017, the second one appropriates money for the budget, and the third resolution levies taxes for 2016 to pay for the 2017 budget.

City Manager Fleming introduced the item stating this is the result of numerous meetings over the past year and the implementation of the new program budgeting process the City is using. He reviewed the program areas and the revenue sources. He noted each program area has goals and key indicators. He stated the fund forecasts for the various funds look good for 2017 and 2018 and will increase reserves. He stated for the Utility Fund and Golf Fund staff is watching closely to make sure the funds are making enough money to be sustainable.

City Manager Fleming stated this is the first year of a biennial budget. Tonight is the approval of the 2017 budget specifically even though the 2018 budget was also prepared. The intention is that in 2017, the 2018 budget will only need updates, not an entire budget process.

Mayor Muckle asked for public comment. No public comment.

Mayor Muckle noted this has been a year-long process and thanked everyone involved.

Councilmember Maloney acknowledged that 51% of the City's revenue comes from fees and charges. Those enterprise funds are the most volatile of the revenues and we will keep an eye on those throughout the year.

Mayor Muckle moved to approve Resolution No. 60, seconded by Councilmember Maloney. A roll call vote was taken and the resolution passed 7-0.

Mayor Muckle moved to approve Resolution No. 61, seconded by Councilmember Loo. A roll call vote was taken and the resolution passed 7-0.

For Resolution No. 62, City Attorney Light noted the resolution had been amended to fix some typos. Councilmember Keany moved to approve Resolution No. 62 as amended, seconded by Councilmember Maloney. A roll call vote was taken and the resolution passed 7-0.

PRESENTATION – 2016 GREEN BUSINESS RECOGNITION PROGRAM

Mark Persichetti of the Sustainability Advisory Board (SAB) and Matt Hannon of Boulder County's Partners for a Clean Environment (PACE) stated this is the first year of this program and it has been a great success. PACE provided the application form, advising and assessment analysis for this program. Mr. Persichetti thanked Shelly Angell of the Chamber of Commerce and members of City staff for their help with the program.

He noted there were 32 businesses enrolled in the program this year, all of whom will receive public recognition which will help local residents know which businesses are good environmental partners.

Matt Hannon of PACE stated this has been a very successful program with more participants than they had hoped for. These businesses are spread across Louisville and represent a huge variety of businesses from animal hospitals to churches. He read the names of the 32 businesses.

Mayor Muckle asked what the most common environmental recommendations the businesses implemented. Hannon stated LED lights and recycling/composting were among the highest.

Mr. Persichetti noted there will be a thank you event for the businesses on November 30th at the Sweet Spot Café. He also thanked PACE for the help. He noted the SAB is hoping to continue the program in 2017.

RESOLUTION NO. 63, SERIES 2016 – A RESOLUTION APPROVING THE 2016 SUSTAINABILITY ACTION PLAN

Jamie Bartlett of the Sustainability Advisory Board (SAB) reviewed the changes the SAB had made since the August meeting with the City Council. She noted further details were added on public engagement as well as some accomplishments. The Plan has five major focus areas: Climate and Energy; Water; Transportation; Local Food; and Agriculture; as well as implementation strategies. The goal is to continue to update the Plan over the years.

Deborah Fahey, 1118 West Enclave Circle, stated her support for the Plan, but noted she would like to see the Council mandate some of the goals in the Plan.

Councilmember Maloney thanked the members of the SAB noting the board was very receptive to the Council's concerns and the Plan gives the Council a great way to move forward collaboratively.

Councilmember Loo stated she likes the voluntary approach in the Plan.

Councilmember Stolzmann thanked the board for all their work. It is a great start. Mayor Muckle agreed. The Plan gives the Council great direction and items to work towards.

Councilmember Maloney moved to approve Resolution No. 63, Councilmember Stolzmann seconded the motion. All in favor.

RESOLUTION NO. 64, SERIES 2016 – A RESOLUTION APPROVING A FINAL PLAT AND FINAL PLANNED UNIT DEVELOPMENT (PUD) TO CONSTRUCT A 56-UNIT ASSISTED LIVING COMMUNITY ON LOTS 2 AND 3 OF LOUISVILLE PLAZA FILING 2 (Balfour Assisted Living)

Councilmember Keany noted his wife is an employee at Balfour but he has no ownership or financial interest in the company. He stated it won't affect his ability to make a decision on this request.

Councilmember Maloney asked for City Attorney Light's opinion. Discussion continued as City Attorney Light looked for the relevant information.

Planner Trice stated this is a request for a 56-unit assisted living community. The item was published and posted as required and surrounding property owners received notice. This property is under the Commercial Development and Design Standards and Guidelines. She noted the location of the site at 1800 and 1870 Plaza Drive. It was

originally platted in 1991 and is zoned commercial. There are existing structures on each of the lots. The proposal is for a three-story, 56-unit assisted living facility. The replat combines two lots and establishes a drainage easement and a public access easement. The application includes the preservation of the Hecla Mine historic element.

The applicant is requesting setback waivers for the parking setback, the side setback, and an accessory structure setback. The architecture is a three-story building with a courtyard and is a craftsman style building. The proposed structure is higher than the 35 foot limit which requires a waiver. However, the buildings to the east are over 50 feet. Staff finds this building to be an appropriate transition with the adjacent North End residential neighborhood.

Landscaping screens the parking area, provides trail connections, and maintains the existing cottonwood trees to be a buffer. There is a requirement tonight that the trees be replaced when necessary to maintain the buffer.

The applicant made substantial changes from the original consideration at the Planning Commission and at the second review by the Planning Commission it was unanimously approved.

Since publication of the staff report, the applicant has changed this request to be for 58 units but with no change in the footprint of the building, the overall site plan, or parking. Staff recommends approval of the request with this change, with one condition that prior to recordation of the PUD the applicant shall change the plan with the updated number of units.

City Attorney Light, following up on Councilmember Maloney's earlier question, noted the City Charter would not require recusal unless Councilmember Keany's spouse's compensation or financial interest were directly affected by Council's action on this item. Councilmember Keany stated that is not the case.

Dave Williams, DTJ Design 3101 Iris Street, Boulder, CO 80301, spoke for the applicant noting Balfour's long history in the City of Louisville. He stated Balfour provides a full spectrum of care in the facility. The proposed facility includes services and residences. He noted the elevations of the building are inspired by the farm houses of Boulder County. He stated the areas of the building that exceed the height limit are the gables which fall back from the building. The only part of the building that hits 40 feet is one small section. He noted the analysis shows that the impact to the adjacent open space is minimal and the building does not shade the trails in the open space. He added this building is shorter than the neighboring Balfour buildings. The building is tucked into the trees and even in winter should be a small impact. He stated the applicant is committed to enhancing the landscaping on the site to reduce the impact on the neighbors.

Councilmember Maloney asked where the two additional units would fit in the building. Mr. Williams noted they are being added in the south end of the building by moving uses within the building. It does not change the footprint of the building.

Councilmember Maloney asked how the waiver requests meet the planning criteria. Planner Trice noted this building will be the transition between Plaza Drive and the North End subdivision and will create a buffer with the North End neighborhood. Director Zuccaro added Criteria 1 and 6 speak to the relationship with the surrounding area and the applicant addressed those. He added the application is creating a public access to open space which provides a public benefit.

Mayor Muckle asked for public comment. There was no public comment.

Mayor Muckle asked if there is any update on moving or saving the Casino building.

Michael Schonbrun 10200 Niwot Road, Boulder, stated they would very much like to have someone move the building to a new location. There is no practical way to incorporate the building into the new plans. At this time there does not appear to be anyone willing to move the building to a new site.

Mayor Pro Tem Lipton moved to approve Resolution No. 64 as updated by staff to include the two additional units and the recordation change requirement. Councilmember Stolzmann seconded the motion. Vote was 6-0, Councilmember Keany abstained.

ORDINANCE NO. 1729, SERIES 2016 – AN ORDINANCE RENAMING CHAPTER 6.12 OF THE LOUISVILLE MUNICIPAL CODE AND AMENDING SAID CHAPTER 6.12 TO REPEAL THE CITY’S DOG LICENSING REQUIREMENTS – 2ND READING – PUBLIC HEARING (Advertised *Daily Camera* 11/06/16)

City Attorney Light read the title and noted this item was not properly noticed for second reading, so if Council has changes tonight, the item can be noticed appropriately and second reading continued to the December 6 meeting.

City Clerk Muth stated the ordinance would update the Municipal Code to remove the dog licensing requirement and retitle Chapter 6.12 to be more accurate. The City currently requires all dog owners to acquire a license for each dog. This was originally designed to help code enforcement and police staff identify a dog should it get loose or bite someone and also to assure all dogs in town had received a rabies vaccination. As a practical matter, staff has found the licensing program is not particularly useful in addressing these issues and recommends discontinuing the program for the following reasons:

- The City currently licenses approximately 600 animals each year; however staff believes this is a small percentage of the number of dogs in town.

- Given the small percentage of dogs actually getting a license, it is not a useful way to ensure dogs are getting rabies vaccinations.
- It is not helpful in identifying lost dogs. If a dog is picked up with a collar it generally has its full tags including an identification tag. If a dog is without a collar the license is also missing. In these cases identification is generally made by a chip scan.
- The Municipal Court has received three tickets in the last ten years for unlicensed dogs, the last one was written in 2009.

Clerk Muth noted at first reading some Councilmembers were not supportive of this ordinance. Staff is certainly open to alternatives or other suggestions. Among staff there has been discussion around the goal of the program and it was determined that it is to ensure dogs in Louisville have current rabies vaccinations. As such, staff suggests a practical and easy alternative to dog licensing is to amend the code to require all dogs have rabies vaccinations and carry that proof on their collars with a standard rabies tag. Such an amendment would allow code enforcement and open space staff to ticket dog owners who do not have proof of vaccinations but would also reduce the staff time and cost of licensing. Staff believes this would meet the same objective as dog licensing without the overhead of a licensing program.

Staff recommends against changing the program in any way that increases workload unless there is a corresponding benefit. If Council desires an expanded dog licensing program, staff recommends considering that during the January 10th priority setting meeting.

The fiscal impact of discontinuing the dog licensing program would be a decline of approximately \$4,000 in revenue annually. The City currently brings in about \$6,000 per year from licensing and spends approximately \$2,000 on supplies and staff time.

Mayor Muckle asked for public comment. There were no public comments.

Councilmember Loo stated she doesn't support the ordinance. She would like to see a bigger effort to advertise licensing and to use it as an education tool for owners on proper dog etiquette.

Councilmember Leh stated this is a law that has outlived its usefulness and he supports ending dog licensing.

Councilmember Stolzmann stated her opposition to this ordinance noting she thinks dog licensing is a great opportunity to interact with staff and discuss all aspects of dog ownership rules. We should make the licensing program more effective not get rid of it.

Councilmember Leh stated he would rather money be put into enforcement than the dog licensing program which is not meeting the needs of the City.

Councilmember Maloney stated perhaps this is an issue for further code enforcement, not licensing. Mayor Muckle agreed.

After further discussion, Councilmember Keany moved for the Council to take no further action on the item, seconded by Mayor Pro Tem Lipton. All in favor.

RESOLUTION NO. 65, SERIES 2016 – A RESOLUTION APPROVING A TWENTIETH AMENDMENT TO THE PURCHASE AND SALE AGREEMENT BY AND BETWEEN LOUISVILLE MILL SITE, LLC AND THE CITY OF LOUISVILLE

Director DeJong stated this is the 20th amendment to the grain elevator agreement. The original agreement was approved in 2013. The original Purchase and Sale Agreement required the stabilization of the building and other conditions required for the closing of the Purchase and Sale transaction to be complete and closing to occur no later than June 2014 (240 days after the effective date). LMS LLC has yet to complete the Stabilization Scope of Work. The proposed amendment includes amending the closing date to 12/7/16, a supplemental scope of work, and making that scope of work a condition of closing, and allowing a temporary storage container on site. Changes to the scope of work include regrading work on the site, fencing around the grain elevator for safety, site re-seeding, shed removal, debris removal, removal of six footings originally required in the structure for rehabilitation, replacement of stairs, and removal of the perimeter drain requirement.

Eric Hartronft, 951 Spruce Street, Mill Site LLC, stated the original plan was stabilization not rehabilitation. Now they have a clear image of what rehabilitation will cost and it is not economically viable as it sits today. Rehabilitation is the goal, but it is not possible right now. We need to close out this building permit and then we can open a new permit for the rehabilitation. With the area being taken out of the flood plain by the recent stormwater project we can't take out a new permit until that flood plain removal is approved by FEMA. We too want to get this done as soon as possible. We are really close and this should be the last amendment so we can get this closed and move on to the next phase. The building permit modification is currently under review by the Building Division and that is holding up the ability to finish up the stabilization project. We are requesting a few weeks to finish construction after receiving the permit from the Building Division. The other modification in the amendment is a request for a cedar fence not a decorative fence. Some neighbors would prefer a solid fence to a decorative fence where you can still see the lower portions of the building. We do hope to repaint the historic sign on the building. We are trying to be good neighbors and get the project to the finish line.

Jeff Meier, 470 County Road, would like to see the project completed. In the last couple of days the site has been cleaned up. He would like to see a closed fence. The neighbors would just like to see the project completed.

No other public comments.

Councilmember Stolzmann supported giving the developer more time once the building permit is finalized and she supports a cedar fence. Mayor Pro Tem Lipton agreed. Councilmember Keany agreed and would like to see the historic sign completed. Mayor Muckle agreed.

City Attorney Light recommended an amendment allowing the City Manager to approve extensions of the deadlines as stated in the agreement.

Members agreed to the cedar fence.

Mayor Pro Tem Lipton moved to approve Resolution No. 65 and giving the City Manager and the Mayor the authority to amend the closing dates as needed up to December 30th and adding the inclusion of a cedar fence for temporary fencing. Councilmember Maloney seconded the motion.

Attorney Light noted a typo in the resolution and clarified the new sentence will read "The Mayor and City Manager are further granted the authority to grant extensions of the closing and completion dates stated in the Agreement, to not beyond December 31, 2016."

Mayor Pro Tem Lipton agreed to the revised language and moved to approve the resolution. Seconded by Councilmember Maloney. Roll call vote was taken and it was approved 7-0.

DISCUSSION/DIRECTION – CENTENNIAL PARKWAY IMPROVEMENTS

Director Kowar introduced the item noting there are three options available for Centennial Parkway in 2017. He stated the Public Works staff is working to get the paving plan bid out as soon as possible to be ahead of what looks to be a very heavy 2017 construction season. He noted the original plan was simply to repave the road in its existing layout. Through the Small Area Plan process some new ideas emerged and Koelbel & Company (the largest land owner in the Centennial Valley) approached the City about installing some parking and bump outs at intersections for traffic calming and pedestrian-friendly crossings. Koelbel is willing to pay for the bulb outs and the parking.

Options are 1) pave the road as is 2) reduce to one lane, but include bulb outs at the intersections and additional parking, or 3) reduce to one lane with adding turf. Option #3 is by far the most expensive. Director Kowar noted the street is over built for the use it gets and highly underutilized. Even with additional building, future projections don't support the need for the second lane in each direction. Koelbel supports the parking and addition of the bulb outs and thinks they add to their ability to market the area to new businesses. Staff needs direction on how to proceed so they can plan for the 2017 construction season.

Mayor Pro Tem Lipton stated he doesn't want the timing of the paving bid to force the community planning process for the area. We need to look at the area and have a process with the owners to determine what the vision should be for the area, and that should be done before changes are made to the design of the streets or the parking.

Councilmember Keany stated he met with Jeff Sheets of Koelbel and Koelbel feels these changes would really benefit the area. He added Koelbel stated they have no interest in asking for a decrease in the parking ratios in the area even if new parking is added to Centennial, but tenants are asking for additional parking. Keany stated he supports the changes to help create a better use of the land and make the area more marketable.

Mayor Muckle agreed with Mayor Pro Tem Lipton that making a community design decision based on the paving timeline alone is problematic. However, he wondered if a smaller version is possible as he is reluctant to miss this opportunity to help one of our largest property owners.

Councilmember Maloney agreed this is a good opportunity, but he stated he is reticent to do this without more information and specific designs to review. He sees two options: pave as is or hold off on paving until we can make a fully informed decision.

Mayor Muckle asked if we don't pave Centennial this year can staff use the paving funds elsewhere. Director Kowar stated yes staff can use that paving funding on other streets in town.

Councilmember Keany stated the current state of Centennial Parkway is a detriment to the community and prevents us from attracting businesses to the area. We shouldn't remove it from the 2017 paving schedule. Paving is needed now.

Mayor Pro Tem Lipton stated the proposed additional parking is a major change to Centennial Valley and should go through a formal planning process so we all understand the impacts of such a change before we start altering the design of the area.

Councilmember Loo stated this is not a truly public process and there has not been public involvement. We need a process that is not being forced by the construction schedule. If we are going to do something we should know what people want before making a unilateral decision.

Councilmember Leh stated we have not adequately gotten input from the business community on the McCaslin Boulevard Small Area Plan and this is a nice opportunity to get some input from a business owner and get a sense of what might be useful in that area. It doesn't make sense to pave it and then come back and change things later. There is urgency in this situation and there is no way to balance everything. The worst option is to pave it now and then change it soon after to adjust to a new vision in the area.

Councilmember Maloney was concerned with removing the additional lane. He agreed with Councilmember Keany that we should pave it in 2017 simply to improve the street and also continue to work with the developers on improving the area in general.

Councilmember Loo stated if the decision is needed now she would support the second option that includes the parking.

City Manager Fleming stated the street needs to be paved, so the question is should the pavement be used for parking or not. Given the pavement is going to be there and it is not needed for a traffic lane, the question is do you allow parking or let the pavement go unused. It seems like a good decision to allow the parking and allow the developer to install in the bulb outs.

Mayor Muckle agreed that putting in the bulb outs should be approved. This is a multi-year process and we can change the road again in 20 years if needed.

Councilmember Loo moved to approve option 2 for resurfacing and intersection bump outs, with an option for on-street parking and a bike lane. Mayor Muckle seconded. Councilmember Leh made a friendly amendment to continue the item to 12/6. Councilmember Loo declined the amendment. Councilmember Maloney agreed it should be continued to 12/6 for additional information before making a decision.

Councilmember Stolzmann offered a friendly amendment to move ahead with the standard paving and at the same time get additional traffic studies to answer the parking questions. Director Zuccaro stated that would require a change to the traffic study contract and additional funding. Councilmember Stolzmann withdrew her amendment.

Mayor Muckle stated he supports option 2 as it gives us an improved street now. Changes can be made later. It is worth the risk.

Councilmember Keany supports Councilmember Loo's motion and offered an amendment to direct the Public Works Department to proceed with bidding the standard paving of Centennial in 2017 and also have the bid package include an additional alternate for the bulb outs that council can review at a later date. That would get the bid package out and allow some time. Councilmember Loo accepted the amendment as did Mayor Muckle. All in favor.

STREET FAIRE LICENSING AGREEMENT ***moved from consent agenda***

Councilmember Stolzmann stated she moved this from the consent agenda because she is uncomfortable with the contract. She would rather it be a flat grant to the Downtown Business Association (DBA) not a licensing agreement. She stated the

Exclusive Use times of the Steinbaugh make her nervous as it relates to the City Charter rules about exclusive uses.

City Attorney Light stated the Charter addresses exclusive use of a park. He noted the Exclusive Use times in this agreement are simply to designate dates and times of the Street Faire, it is a temporary use permit and it does not dispossess the public or the City from the use of the site. The term can be changed if it is confusing. He stated it does not create a Charter violation.

Councilmember Stolzmann noted her opposition to the backstop provision in the contract. She would rather it be a grant with no backstop. This leaves too much exposure to the City. The City does not have enough control over the contract. This is being granted based on the City's trust in the DBA but that should not be the basis of any contract. Councilmember Loo agreed.

Councilmember Maloney stated he appreciates the Street Faire, but he shares some of the caution. He noted the City is at great risk if the sponsorship revenue declines precipitously or there are eight nights of rain for example. He would like some reassurances for the City.

Director DeJong stated if sponsorships are down significantly the Faire expenditures would be adjusted to match.

Mayor Pro Tem Lipton stated there are risks but the event is a great benefit to the City. The City can absorb this risk, the DBA cannot. The City needs some oversight and ability to retreat from it if needed, but we cannot ask the DBA to take all the risk.

Councilmember Leh stated the Street Faire is a great asset and the City has a great history with the event. The first year backstop clearly worked but he didn't think the backstop would be permanent.

Rick Kron, Secretary of the DBA, incoming President of the DBA for 2017, stated the DBA likes the contract as presented. He noted the DBA simply does not have the ability to backstop the event. The City's backstop is crucial to making this project work. There is a proven track record from last year. The DBA is committed to making this project work within the budget.

Councilmember Leh asked Mr. Kron if the DBA would accept a straight grant from the City but then they have to take on the risk. Mr. Kron stated this might be possible but other costs such as police and fire would have to be included in the equation. However, the DBA needs to move forward with the 2017 event schedule now. Perhaps this could be a discussion point for next year's contract.

Councilmember Loo stated she loves the Street Faire but she feels a higher fiduciary responsibility to protect the citizens of Louisville so she can't support the agreement as presented.

Mayor Muckle stated the City has asked the DBA to put on this event for the benefit of the community and asked last year that they reduce the income potential of the Faire by reducing the number of nights and types of bands. As such he supports the contract as is.

Mayor Muckle moved to approve the licensing agreement, Councilmember Keany seconded the motion. The motion passed 5 – 2 with Councilmember Stolzmann and Councilmember Loo voting no.

CITY ATTORNEY'S REPORT

None.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

Councilmember Stolzmann gave an update on DRCOG activities.

Councilmember Leh stated the Legal Review Committee is taking additional time to review the proposed policy related to 501c3s and will bring something to the Council in 2017 after getting more input.

ADJOURN

MOTION: Mayor Muckle moved for adjournment, seconded by Councilmember Keany. All were in favor. The meeting was adjourned at 11:07 p.m.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk